

REMARKS

Consideration of this application in view of the following remarks is respectfully requested. Claims 1-3, 6-9, 12-20, 22, 31-38, 51-62, 69, 70, 77-82 were pending. No claims have been amended, added, or cancelled. Accordingly, claims 1-3, 6-9, 12-20, 22, 31-38, 51-62, 69, 70, 77-82 remain pending.

Claims Rejections – 35 USC § 102

Claims 1-3, 12-15 and 31-38 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,931,855 (“Buncke”).

The Office Action takes the position that Buncke discloses the invention as claimed including a barbed suture (Figures 9-11) comprising an elongated body having a first end and a second end and a plurality of barbs (16) projecting from the body. The barbs are arranged in a multiple spiral disposition wherein the barbs are spaced longitudinally along the body such that a plane perpendicular to the longitudinal axis of the suture and cutting transversely through the suture and intersecting a barb will not intersect any other barb (Figures 9-11; col 4, In 58-59; col 9, In 5-8). In a first barb portion (55a) all of the barbs are only facing toward a first end of the elongated body and in a second barb portion (55b) all of the barbs are only facing toward a second end of the elongated body (col 6, In 60-67). The barbs are cut from a suture having a circular cross-section (Fig 1A), wherein the *base of the barb* (emphasis added) projects from a line transverse to the longitudinal axis of the suture body, and since the line from which the barb projects is defined by the outer circumference of the suture body, the line is arcuate. The Applicants respectfully disagree with the Examiner’s rejection, for the following reasons. While the Examiner would indeed be correct in pointing out that the topside of the Buncke barb follows the outer circumference of the suture body, the limitation of the arcuate line in each of independent claims 1 to 3 does not relate to the configuration of the topside of the barb. Rather, the limitation goes instead to the *underside* of the barb projecting from an arcuate line: “the suture comprising barbs with a configuration that includes an underside of the barbs, where the underside projects from the body along a line transverse to the longitudinal axis of the body, the line being arcuate”.

Further, the Applicants respectfully disagree with the Examiner's statement that "the underside of the barb projects from an outer circumference of the body of the suture"; the application identifies the topside and underside of the barb (see, for example, the elements marked "TS" and "US", respectively, in FIG. 12D), and it is clear that only the topside of the barb (and even then perhaps only in part) projects from the outer circumference of the suture body. In contrast, the underside of the barb projects from an interior region of the suture body. In addition, while the Applicants acknowledge that the Examiner's statement that "the line along the circumference of the suture body from which the barb extends is transverse to the longitudinal axis of the suture body" is correct, the Applicants respectfully submit that the line along the circumference of the suture body is not the only line that is transverse to the longitudinal axis of the suture body. Rather, the Applicants respectfully point out that there can be any number of lines in a plane that lies transverse to the longitudinal axis of the suture body, and that any of these lines would be transverse to the longitudinal axis to the suture body. Thus, the Applicants respectfully contend that the Examiner's implicit conclusion that the underside of the barb may only project from the outer circumference of the suture body is unfounded.

The Applicants further direct the Examiner's attention to paragraph [0185] of the application as supporting the Applicants' contention that it is the line from which the underside of the barb projects that is arcuate and that this line is distinct from any lines along the outer circumference of the suture body. Paragraph [0185] describes one of the cutting devices that may be used to make the sutures in question and, in the context of the particular example of a cutting device that is provided, the second sentence of the paragraph states "[t]o achieve barb 115 having arcuate base 119, the cutting device is provided with cutting blades with ends that are correspondingly arcuate with respect to arcuate base 119". (Conversely, it is easy to see that a straight cutting blade cutting straight into a stationary cylindrical suture body would result in the underside of the barb having a non-arcuate configuration, regardless of the circular outer circumference of the suture body.) Since the shape of the cutting blades would have no bearing on the outer circumference of the suture body and instead would only affect the underside of the barbs, the Applicants respectfully submit that the arcuate line at issue has nothing to do with the

outer circumference of the suture body or the topside of the barbs, but relates solely to the underside of the barbs.

As Buncke discloses only the configuration of the topside of the barbs and is silent about the configuration of the underside of the barb, the Applicants respectfully submit that Buncke does not anticipate independent claims 1 to 3, nor claims 12-15 and 31-38 depending therefrom. Accordingly, the Applicants respectfully request that the Examiner reconsider and withdraw the objection.

Claims Rejections – 35 USC § 103

Claims 6-9, 16-20, 22, 51-62, 69, 70, and 77-82 are rejected under 35 U.S.C. § 103(a) as being anticipated by U.S. Patent No. 5,931,855 (“Buncke”).

The Office Action takes the position that Buncke discloses the invention substantially as claimed including a barbed suture (Figures 9-11) comprising an elongate body having a first end and a second end and a plurality of barbs (16) projecting from the body. The barbs are arranged in a multiple spiral disposition wherein the barbs are spaced longitudinally along the body such that a plane perpendicular to the longitudinal axis of the suture and cutting transversely through the suture and intersecting a barb will not intersect any other barbs (Figures 9-11; col 4, In 58-59; col 9, In 5-8). In a first barb portion (55a) all of the barbs are only facing toward a first end of the elongate body and in a second barb portion (55b) all of the barbs are only facing toward a second end of the elongate body (col 6, In 60-67). The barbs are cut from a suture having a circular cross-section (Fig 1A), wherein the base of the barb projects from a line transverse to the longitudinal axis of the suture body. Since the line from which the barb projects is defined by the outer circumference of the suture body, the line is arcuate. The Applicants respectfully submit that, as discussed in the foregoing paragraphs, Buncke does not disclose the feature of the arcuate line from which the underside of the barbs project. As the Examiner has not cited another reference as disclosing this feature, and as this feature is present as a limitation in each of independent claims 6, 7, 16, and 22 (and therefore in claims 8, 9, 17 to 20, 51 to 62, 69, 70, and 77 to 82 depending therefrom), the Applicants respectfully contend that the requirements for a 35 USC § 103 rejection have not been fulfilled. For this reason, the Applicants respectfully request reconsideration and withdrawal of the rejection.

In view of the remarks, allowance of claims 1-3, 6-9, 12-20, 22, 31-38, 51-62, 69, 70, 77-82 is respectfully requested. A good faith effort has been made to place this application in condition for allowance. However, should any further issue require attention prior to allowance, the Examiner is requested to contact the undersigned at (206) 216-4310 to resolve the same.

The Director is authorized to charge any additional fees due by way of this amendment, or credit any overpayment, to our Deposit Account No. 50-2574.

Respectfully submitted,

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